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C O N F I D E N T I A L SECTION 01 OF 03 TOKYO 001784

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SUBJECT: JAPAN-CHINA TALKING HUMAN RIGHTS

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Classified By: CDA James P. Zumwalt for reasons 1.4 (b) and (d).

11. (C) SUMMARY: The Fifth Japan-China Human Rights Dialogue, held July 9-10 in Tokyo, produced "useful" discussions about basic human rights policies in the respective countries and seemed to spark lively debate, particularly on issues related to Japan's pending child pornography law and Beijing's management of recent violence in Xinjiang, MOFA human rights officials told Embassy Tokyo on July 15. The two-day session primarily focused on policy developments since the last round of talks. Both sides also explored potential areas of cooperation in UN fora, but these discussions produced only minimal results. END SUMMARY

12. (C) On July 9-10, Japan's Ministry of Foreign Affairs (MOFA) hosted the Fifth Japan-China Human Rights Dialogue--director-level talks that included Chinese Ministry of Justice officials and a representative from China's committee in charge of ethnic minority issues. The Dialogue focused on basic human rights policies and potential areas of cooperation in UN fora, MOFA Human Rights and Humanitarian Affairs Division officer Makoto Tanabe told Embassy Tokyo on July 15. The talks were "cordial" and "productive," and afforded each side the opportunity to brief on recent developments since last year's meeting.

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China's Human Rights Action Plan  
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13. (C) Chinese officials began the session by explaining their country's National Human Rights Action Plan (2009-2010), published in April 2009 with the objective of strengthening and improving domestic and international human rights conditions. Chinese interlocutors described the plan as comprehensive, involving more than 50 domestic stakeholders, and ready for implementation, Tanabe relayed. The budget is set and the government is committed to actualizing details in the report, including ways to protect social, cultural, civil, and political rights as well as the interests of ethnic minorities, women, and children, and to explore avenues of cooperation in the field of international human rights, Tanabe reported.

¶4. (C) Chinese human rights officials mentioned that the Action Plan also provides guidance on enhancing transparency and supervision of the country's detention systems. The plan stipulates principles for safeguarding detainees' rights and treatment. Interrogations are done carefully and torture, of course, is prohibited, Chinese officials are reported to have said. The Plan also guarantees the personal rights of lawyers operating in China and their right to debate and defend as well as to conduct investigations and collect evidence, claimed Chinese interlocutors. Beijing is finishing crafting laws pertaining to the treatment of litigators, Chinese officials mentioned during the dialogue. The document also attempts to establish a nationwide complaint information system and state-level offices to manage submissions.

¶5. (C) Japan, like many other members of the international community, remains skeptical of the plan, Tanabe said. Japanese officials believe that the document does not go far enough to protect the rights of lawyers, for example. Japan harbors particular concern about the frequency with which lawyers are still arrested, detained, harassed, and threatened with disbarment for conducting work often related to human rights cases, Tanabe stressed. Japanese human rights officials also explained new Japanese efforts to videotape interrogations of suspects.

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China's Food Safety Law and Approach to Political Rights  
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¶6. (C) Chinese delegation members reported on additional  
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matters, including the recently enacted Food Safety Law. The new law is aimed toward enhancing monitoring and supervision, strengthening safety standards, improving systems of recall for substandard products, and enforcing strict punitive measures for offenders. The law also stipulates procedures for lodging formal complaints and seeking compensation.

¶7. (C) The Chinese side also touched briefly on the International Covenant on Civil and Political Rights and mentioned that Beijing is "serious" about acceding to the treaty.

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Japan's Child Pornography Bill Sparks Debate  
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¶8. (C) Japan's description of the status of a bill banning simple possession of child pornography ignited lively debate among dialogue participants. Officials from both sides focused on achieving the appropriate balance between freedom of speech and the security of would-be victims. Japanese human rights officials explained that Japan's ruling parties and main opposition party had reached general agreement on the bill, but differences still existed on issues regarding retrospective punishment--criminalizing possession in cases that would have occurred before the new law. Tanabe reported that the bill now faces an uncertain future because of the dissolution of the Diet and upcoming general election. The bill represents Japanese efforts to balance freedom of expression with the need to protect the physical and cyber environments of the nation's children, Tanabe said.

¶9. (C) The Chinese side seemed to downplay the importance of freedom of expression principles, noted Tanabe. They stressed the need for more restrictions to counter the spread of pornographic material and other scourges, such as religious hatred. Tanabe explained that the Chinese see their "Green Dam" Internet filtering capability as one way to achieve the aforementioned goal.

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¶10. (C) On the treatment of North Korean refugees entering China, the Japan side called on China to allow refugees to leave the country without interference, Tanabe conveyed. Chinese interlocutors stressed that not all defectors are political refugees but are people merely seeking relief from the dire economic situation of the North. However, the Chinese side that they would keep dealing with the matter according to human rights laws and international law, Tanabe reported.

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Treatment of Ethnic Minorities and the Xinjiang Riots  
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¶11. (C) Dialogue themes shifted to the treatment of ethnic minority groups. Japanese interlocutors called for greater transparency regarding recent ethnic violence in China's Xinjiang Autonomous Region. Chinese interlocutors described the incidents of early July as a "riot case" that involved the death of innocent citizens. They claimed that "international elements" had collaborated with the perpetrators and had instigated events from afar. Specifically, World Uyghur Congress Chairwoman Rebiya Kadeer fomented dissent and fanned the flames over the Internet. The violence has little to do with human rights, Chinese participants reportedly asserted. China must protect the safety of the people, Chinese officials insisted. The Chinese side expressed hope that Japan understands the reality and does not believe the "fake information" that is published in the international press. Tanabe said that China was certainly worried about global reactions to the provincial disturbance. Japan should condemn the offenders

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and Japanese media should report the matter objectively, Chinese officials reportedly exhorted.

¶12. (C) Japanese delegation members expressed concern about the number of civilians killed in the riots and vowed to continue monitoring developments. They admitted that Xinjiang, and for that matter Tibet, are internal matters but that human rights is an international concern. They encouraged the Chinese side to increase transparency and share more information pertaining to both issues.

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Visit to Japanese Cultural Assets  
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¶13. (C) Dialogue participants spent their second day visiting sites meant to illustrate unique aspects of Japanese civic society and culture, including a visit to Tokyo's Ainu Culture Center, a multifunctional facility geared toward promoting Japan's Ainu population--aboriginal people of Japan's northernmost island of Hokkaido. Cabinet Office officials briefed participants on last year's Diet resolution that officially recognized the Ainu an indigenous people distinguished by their own language, religion, and culture. Dialogue participants also visited the offices of the Japan Broadcasting Corporation, or NHK, Japan's national public broadcasting corporation. The purpose of the NHK visit, Tanabe explained, was to expose the Chinese delegation to the day-do-day operations of a free press.

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Wrap Up  
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¶14. (C) Tanabe said that the talks on potential cooperation in UN fora were quite thin. For example, Japan's request for Chinese support on the longstanding issue over the North Korean abduction of Japanese citizens drew minimal response from the Chinese side. Tanabe raised an additional point:

Last year Chinese interlocutors lodged complaints about the treatment of foreign residents living in Japan, but this year, surprisingly, they refrained from raising similar concerns. Both sides mentioned that they look forward to the next round of talks, scheduled for Beijing next year, Tanabe concluded.

ZUMWALT